

1 BILL NO. Z-87- 10-07

2 ZONING MAP ORDINANCE NO. Z- 28-87

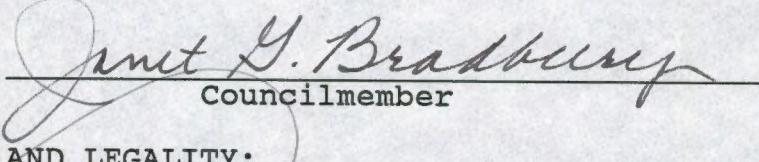
3 AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. O-27.

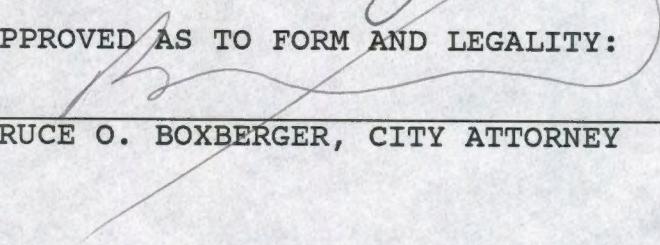
4 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
5 FORT WAYNE, INDIANA:

6 SECTION 1. That the area described as follows is
7 hereby designated a R-3 (Multi-Family Residential) District
8 under the terms of Chapter 33 of the Code of the City of
9 Fort Wayne, Indiana of 1974:

10 Lots 21, 22, 23, and 24 in Southdale Park Addition to
the City of Fort Wayne, Allen County, Indiana,
according to the recorded Plat thereof,
11 and the symbols of the City of Fort Wayne Zoning Map No.
12 O-27, as established by Section 11 of Chapter 33 of the Code
13 of the City of Fort Wayne, Indiana are hereby changed
14 accordingly.
15

16 SECTION 2. That this Ordinance shall be in full force
17 and effect from and after its passage and approval by the
18 Mayor.

19 
Janet G. Bradbury
Councilmember

20 APPROVED AS TO FORM AND LEGALITY:


21 BRUCE O. BOXBERGER, CITY ATTORNEY
22

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Read the first time in full and on motion by Bradbury
seconded by Redd, and duly adopted, read the second time
by title and referred to the Committee Regulation (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne
Indiana, on _____, the _____, 19_____, at _____ o'clock _____.M.

DATE: 10-13-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury
seconded by Redd, and duly adopted, placed on i
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u>—</u>	<u>—</u>	<u>2</u>	<u>—</u>
<u>BRADBURY</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>BURNS</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>EISBART</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>✓</u>	<u>—</u>
<u>GiaQUINTA</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>✓</u>	<u>—</u>
<u>HENRY</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>REDD</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SCHMIDT</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>STIER</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>TALARICO</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>

DATE: 11-24-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-28-87
on the 24th day of November, 1987

ATTEST,
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the 4th day of December, 1987
at the hour of 10:00 o'clock A. .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 4th day of December
1987, at the hour of 1:30 o'clock P. .M., E.S.T.

Win Moses Jr.
WIN MOSES, JR., MAYOR

RECEIPT

EL# 4564

No 2734

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.

Sept 18 1987

RECEIVED FROM

Zoe Linslow

\$ 50⁰⁰

THE SUM OF

Fifty Dollars

DOLLARS

ON ACCOUNT OF

Permit Filing Fee 6814 S. Chestnut

100

Guy Boche

AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

I/We Fort Miami Post No. 10006 Veterans of Foreign
Wars of the United States, Inc.

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-A District to a/an R-3 District the property described as follows:

Lots 21, 22, 23, and 24 in Southdale Park Addition to the City of Fort Wayne, Allen County, Indiana, according to the recorded Plat thereof.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

6814 S. Anthony Boulevard, Fort Wayne, IN 46816

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Fort Miami Post No. 10006
Veterans of Foreign Wars of the
United States, Inc.
BY: Richard E. Ensley
Judge Advocate
(Name)

6814 S. Anthony Blvd.
Fort Wayne, IN 46816
(Address)

(Signature)

Judge Advocate

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.
Frederick R. Tourkow, Attorney
(Name)

814 Anthony Wayne Building
Fort Wayne, IN 46802
(Address & Zip Code)

426-0545

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,
Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 13, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-10-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 19, 1987.

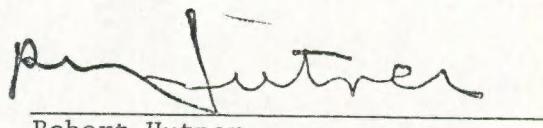
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 19, 1987.

Certified and signed this
29th day of October 1987.



Robert Hutner
Secretary

ORIGINAL

COUNCILMANIC DISTRICT No.

DIGEST SHEET

Admn. Appr.

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 6814 So Anthony Bl

3-87-10-07

EFFECT OF PASSAGE Property is presently zoned RA - Suburban Residential District
Property will become R-3 - Multi Family Residential.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

Z-87-10-07

BILL NUMBER

Division of Community
Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

From RA to R-3

REASON

DETAILS

Specific Location and/or Address

6814 So Anthony Bl

Reason for Project

To allow for expansion of parking lot
for VFW Post #1006

Discussion (Including relationship to other Council actions)

19 October 1987 - Public Hearing

See Attached Minutes of Meeting

26 October 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the eight (8) members present 7 voted in favor of denial one (1) did not vote.

The Commission felt that a rezoning at this time was not needed due to the fact that the expansion of the parking lot could be accomplished through a "Contingent Use" from the Board of Zoning Appeals. If at a later date they intended to expand the building they could then apply for a rezoning at that time.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission	
Area Affected	City Wide Other Areas	
Applicants/ Proponents	Applicant(s) VFW Post #1006 City Department Other	
Opponents	Groups or Individuals Chas Kressley/1706 Southdale Fred Gideon/1613 Gardendale Basis of Opposition -opposed to further expansion -felt R-3 zoning a detriment to area	
Staff Recommendation	<input checked="" type="checkbox"/> For	<input type="checkbox"/> Against
	Reason Against	
Board or Commission Recommendation	By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)	
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass	

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 18 September 1987

Projected Completion or Occupancy

Date 29 October 1987

Fact Sheet Prepared by
Patricia Biancaniello

Date 29 October 1987

~~Reviewed by~~

Gary Baetts
Reference or Case Number

d. Bill No. Z-87-10-07 - Change of Zone #302
From RA to R-3
6814 So Anthony Blvd

Fred Tourkow, attorney representing Fort Miami Post #1006 of the Veterans of Foreign Wars of the United States, appeared before the Commission. Mr. Tourkow stated that presently the post home is on Lot 19 and there is parking lot on 19 and 20 and they seek to extend this parking to the other lots that they own. He stated that presently they only intend to expand parking but they are requesting that all of Lots 21, 22, 23 and 24 on South Anthony be rezoned for future expansion of the post. He stated that the area has been improved by the Post as the Post has grown. He stated that there is presently a small commercial

building on Lot 23 which was there when it was purchased, it constitutes a non-conforming use. He stated they do not use it they rent it out for the same purpose that it was used for at the time it was purchased.

Yvonne Stam questioned if it was the plan to increase the size of parking and if so were they going to resurface all four of the lots up for rezoning.

Mr. Tourkow stated they do not intend at this time to increase the size of the building but simply to increase the parking area. He stated that ultimately they will pave all of the lots but now they intend only to pave Lot 22. Lot 21 is currently paved.

John Ensley, 6528 Georgetown Lane, a member of the VFW Post appeared before the Commission. Mr. Ensley stated that they lend this building out for benefits. He stated that at one benefit they filled up the parking lot and the people were parking along the street and some neighbors complained. He stated that they are trying to extend the parking lot in order to avoid this overflow of parking onto the street.

Delbert Rose, 4133 Bowser Avenue, Commander of Post 1006 stated that this hall is not rented, it is used for benefits for the handicapped and like organizations.

Charles W. Kressley, 1706 Southdale Avenue appeared in opposition to the rezoning. Mr. Kressley stated that his property adjoins the 3 lots that they want to rezone. He stated he sees no reason for the rezoning. He stated that they have already paved lot 21 and if they pave lot 22 he felt they would be over capacity with the State Fire Marshall in occupants of the building. He stated that he also did not want a multi-family dwelling on this property if they decide to sell.

Fred Gideon, 1613 Gardendale Drive, appeared in opposition to the request. He stated that he felt the Post was expanding too much. He stated that he felt they were in the real estate business. He stated they have bought this extra property and are renting out a structure on it for business. He stated that he felt they were losing their "exempt status" of non-profit private club.

Mr. Tourkow in rebuttal stated that lot 21 is already paved, so that they would only be paving lot 22. He stated that they are not at this time paving 23 and 24. He stated the business on Lot 23 was there when the Post purchased the lots. He stated that they intend to decrease the commercial use in the area by in time

doing away with that building. He stated that to the west of Lots 22, 23, & 24 is a row of evergreens which they maintain as a buffer.

Janet Bradbury questioned if they had considered applying for a variance to expand the parking lot until the get ready to expand the building.

Mr. Tourkow stated they did not. Mr. Tourkow stated though if the membership continues as it is that expansion would be in the near future.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

BILL NO. Z-87-10-07

REPORT OF THE COMMITTEE ON

REGULATIONS

11-24
11-24

✓ hold for 2 weeks for restrictive covenant
11/24/87

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) amending the City of
Fort Wayne Zoning Map No. 0-27

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(RESOLUTION) No Pass

YES

~~suppo~~ subject to restrictive
covenant being signed &
recorded ^{NO}

JANET G. BRADBURY
CHAIRPERSON

CHARLES B. REDD
VICE CHAIRMAN

THOMAS C. HENRY

PAUL M. BURNS

BEN A. EISBART

CONCURRED IN 11-24-87

SANDRA E. KENNEDY
CITY CLERK

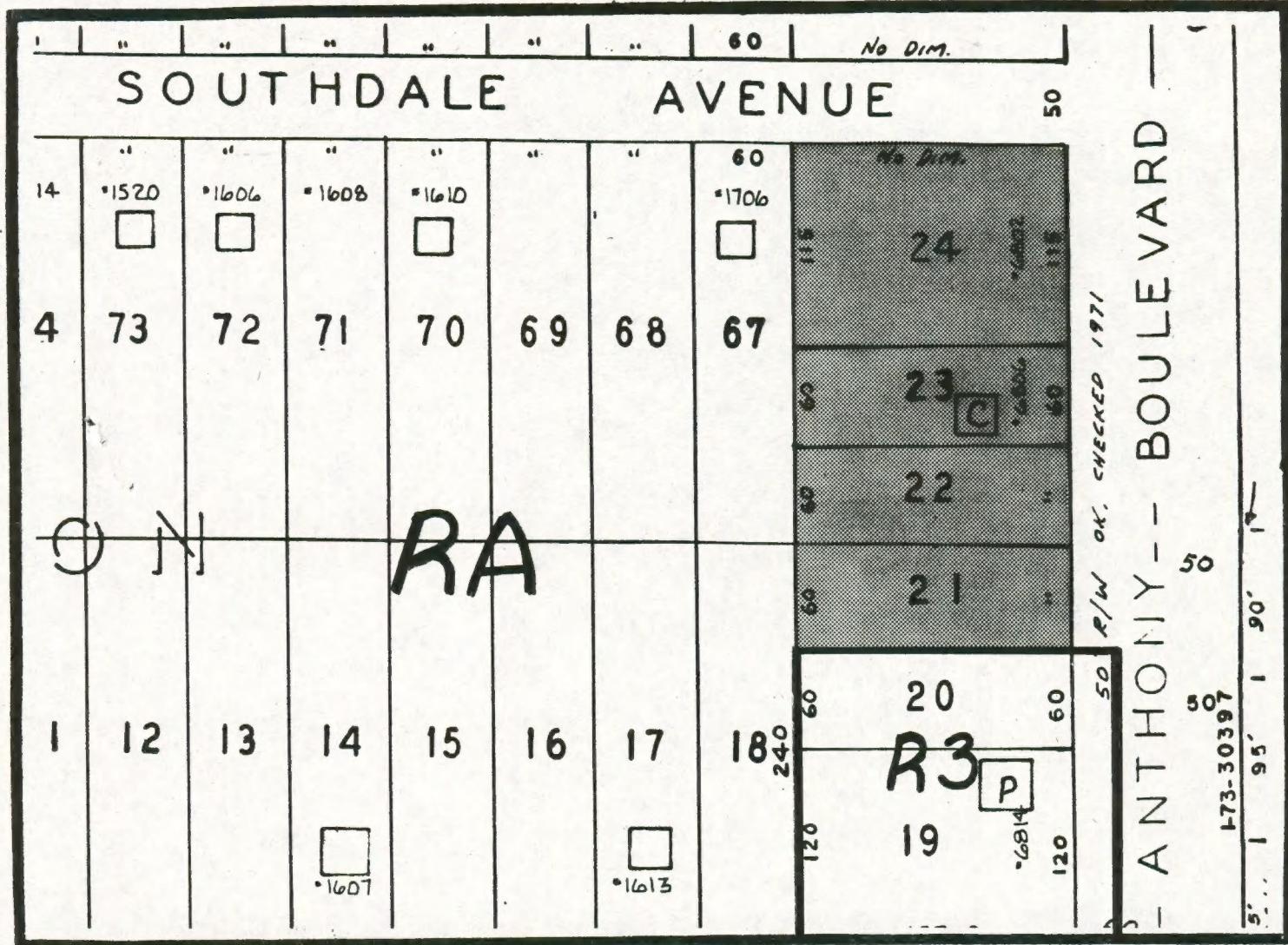
7-0
~~8-1~~ against V.F.W.

REZONING PETITION #302

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING
THE DESCRIBED PROPERTY FROM AN RA DISTRICT TO A R3 DISTRICT.

MAP NO. O-27

COUNCILMANIC DISTRICT NO. 5



ZONING:

RA RESIDENCE 'A'
R3 RESIDENTIAL DISTRICT

LAND USE:

- SINGLE FAMILY**
 - COMMERCIAL**
 - PUBLIC- RECREATIONAL**

SCALE: 1" = 100'

DATE: 9-30-87

